
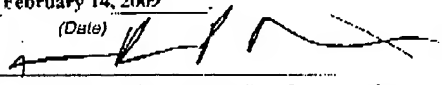


FEB 17 2009


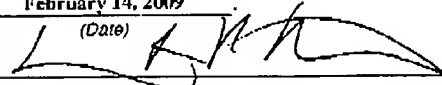
PAGE 1/2 : RCVD AT 2/14/2009 1:16:55 PM [Eastern Standard Time] : SVR:USPTO-EF-XRF-6/0 : DNS:2738300 : CSID:8476581088 : DURATION (mm:ss):01:08

| | | | | | |
|---|----------------------------------|------------------------------------|--|-------------------------------|---------------------------------|
| NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity) | | | | | Docket No. Y3.0074 |
| In Re Application Of: Finn Aagaard | | | | | |
| Application No. 10/720,919 | Filing Date 11/24/2003 | Examiner Francis T. Palo | Customer No. | Group Art Unit 3644 | Confirmation No. 5228 |
| Invention: APPARATUS AND METHOD FOR IRRIGATING CONTAINER-GROWN PLANTS | | | | | |
| COMMISSIONER FOR PATENTS: | | | | | |
| Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated 11/17/2008 finally rejecting Claim(s) 1,4-12,14-17 and 21-26 | | | | | |
| Applicant is a small entity under 37 CFR 1.9 and 1.27. | | | | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | | | | |
| The fee for this Notice of Appeal is: \$270.00 | | | | | |
| <input type="checkbox"/> A check in the amount of the fee is enclosed. | | | | | |
| <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. | | | | | |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 161375 | | | | | |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. | | | | | |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
|  Signature | | | Dated: February 14, 2009 | | |
| Mathew R.P. Perrone, Jr. Bric A. Crawford Attorneys of Record 210 South Main Street Algonquin, Illinois 60102 847-658-5140 | | | <div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)] on February 14, 2009 (Date)  Signature of Person Mailing Correspondence Mathew R. P. Perrone, Jr. Typed or Printed Name of Person Mailing Correspondence </div> | | |
| cc: | | | | | |

P135MALU/REV11

FEB 17 2009

PAGE 2/2 : RCVD AT 2/14/2009 1:16:55 PM [Eastern Standard Time] : SVR:USPTO-EFXXRF-6/0 : DNIS:2738300 : CSID:8476581088 : DURATION (mm:ss):01:08

| | | | | | | |
|---|----------------------------------|------------------------------------|---|-------------------------------|---------------------------------|--|
| NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity) | | | | | Docket No. Y3.0074 | |
| In Re Application Of: Finn Aagaard | | | | | | |
| Application No. 10/720,919 | Filing Date 11/24/2003 | Examiner Francis T. Palo | Customer No. | Group Art Unit 3644 | Confirmation No. 5228 | |
| Invention: APPARATUS AND METHOD FOR IRRIGATING CONTAINER-GROWN PLANTS | | | | | | |
| <u>COMMISSIONER FOR PATENTS:</u> | | | | | | |
| Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated 11/17/2008 finally rejecting Claim(s) 1,4-12,14-17 and 21-26 | | | | | | |
| Applicant is a small entity under 37 CFR 1.9 and 1.27. | | | | | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | | | | | |
| The fee for this Notice of Appeal is: \$270.00 | | | | | | |
| <input type="checkbox"/> A check in the amount of the fee is enclosed. | | | | | | |
| <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. | | | | | | |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 161375 | | | | | | |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. | | | | | | |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | | |
|  Signature | | | Dated: February 14, 2009 | | | |
| Mathew R.P. Perronc, Jr. Brie A. Crawford Attorneys of Record 210 South Main Street Algonquin, Illinois 60102 847-658-5140 | | | <div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on February 14, 2009 (Date)  Signature of Person Mailing Correspondence Mathew R. P. Perronc, Jr. Typed or Printed Name of Person Mailing Correspondence </div> | | | |
| cc: | | | | | | |

P13SMALUREV11